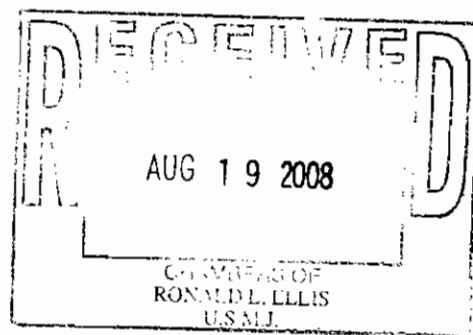


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August 18, 2008

Honorable Ronald L. Ellis
United States District Judge
Southern District of New York
500 Pearl Street, Room 1970
New York, NY 10007

Re: Mayorga et al. v. 23rd and 9th Restaurant Corp. et al.
Southern District of New York - 07 Civ. 9530

Dear Magistrate Ellis:

We are the attorneys for the plaintiff in the above-referenced matter. We are writing to confirm the terms of the scheduling order set forth at the August 14, 2008 scheduling conference.

Plaintiff will serve and file its motion for conditional collective action certification by Monday, October 13, 2008, with a briefing schedule to be agreed upon by the parties. That motion will be submitted directly to Judge Jones. All document discovery is to be completed within three months of the decision on that motion. All depositions will be completed by four months after any notice period for class certification has been completed. The next status conference in this matter is scheduled before your honor on November 6, 2008 at 10:00 a.m.

The Court's considerations are appreciated.

*Scheduled
Approved*

SO ORDERED

Ronald L. Ellis 8-20-08

MAGISTRATE JUDGE RONALD L. ELLIS

cc: Jeffrey A. Meyer, Esq.

Respectfully submitted,

Joshua S.C. Parkhurst

Joshua S.C. Parkhurst